

1 Q. Right.

2 MR. MURPHY: That's all.

3

4 EXAMINATION BY MR. ROSENTHAL:

5 Q. Are you an expert on the maneuvering
6 characteristics of vessels?

7 A. Yes, a naval architect becomes involved
8 with maneuvering of vessels.

9 Q. And that includes the characteristics in
10 different current of water?

11 A. Yes.

12 Q. And with different types of engines?

13 A. Yes.

14 Q. Different horsepower engines?

15 A. Yes.

16 Q. And that is specifically your area of
17 expertise?

18 A. Yes.

19 Q. And is it your opinion that this vessel
20 should have been operating at all in this
21 sort of a current, in a current of 6
22 knots or above?

23 A. No, in my opinion, this vessel, with this
24 horsepower, this size vessel, should not

1 have been operating in that current.

2 Q. Ever?

3 A. Ever.

4 Q. Okay, thank you.

5 MR. MURPHY: I wrote myself a
6 note. I'm not trying to make this last
7 all day.

8

9 EXAMINATION BY MR. MURPHY:

10 Q. Any requirements to being the operator of
11 an outboard motor such as -- strike that
12 -- the skiff, an outboard motor that
13 we've been talking about?

14 A. Not as far as I know.

15 Q. Driver's license even? Could my
16 7-year-old get in and legally operate?

17 A. I don't know what happens in
18 Massachusetts. In Louisiana, probably
19 your 7-year-old could go out and operate
20 a boat.

21 Q. You guys are a little looser than we are
22 here in heavily-regulated Massachusetts.

23 A. Sportsmens' paradise.

24 Q. I love New Orleans. But, you don't know

1 if there's any requirements in New
2 Jersey, where this was, or Massachusetts,
3 for that matter, --

4 A. No.

5 Q. -- as far as -- what about a driver's
6 license? Is that typically --

7 A. Driver's license is something else; Motor
8 Vehicle Bureau. That has nothing to do
9 with boats. Boats are still --

10 Q. Don't some boats, like the fishing boats,
11 in order to be a captain you need a
12 driver's license?

13 A. Not as far as I know. Fishing vessels
14 you don't. Up until a couple of years
15 ago, you could do anything you wanted in
16 the fishing industry. That was sort of
17 protected. And there were no
18 regulations, no Coast Guard regulations,
19 pertaining to fishing vessels.

20 You needed a couple of things.

21 You needed running lights, for example.

22 And you had to carry life-preservers.

23 But, outside of that, you could do just
24 about anything you want on a fishing

1 vessel.

2 Q. Any provision that you're aware of where
3 if your driver's license is suspended or
4 revoked, that it would be unlawful for
5 you to operate a skiff like this?

6 A. Absolutely not. Again, I'm talking about
7 Louisiana. Federal law, no. State law,
8 local, municipal law, may be different.
9 But, I don't know of any. Massachusetts
10 is always different.

11 Q. Okay. Good. Thank you.

12 *(Whereupon the deposition concluded @ 11:00 a.m.)*

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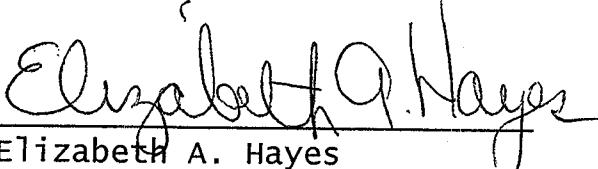
1 C E R T I F I C A T E

2 MIDDLESEX, SS

3 I, Elizabeth A. Hayes, a Massachusetts Court
4 Reporter and Notary Public duly commissioned and
5 qualified in and for the Commonwealth of
6 Massachusetts, do hereby certify that there came
7 before me on the 16th day of March, 2006, the
8 person hereinbefore named who was by me duly
9 sworn to testify to the truth and nothing but the
10 truth of his knowledge touching and concerning
11 the matters in controversy in this cause; that he
12 was thereupon examined upon his oath, and his
13 examination reduced to transcript; and this is a
14 true record of the testimony given by the
15 witness.

16 I further testify that I am neither attorney
17 or counsel for, nor related to or employed by any
18 of the parties hereto or financially interested
19 in the action.

20 IN WITNESS HEREOF, I have hereunto set my
21 hand and notarial seal this 23rd day of March,
22 2006.

23 
Elizabeth A. Hayes

24 Commission Expires: August 9, 2007